

# HB3319



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3319

Introduced 2/19/2021, by Rep. David A. Welter

### SYNOPSIS AS INTRODUCED:

410 ILCS 705/55-20

Amends the Cannabis Regulation and Tax Act. Provides that specified prohibitions on cannabis business establishments advertising cannabis or cannabis-infused products under specified circumstances do not apply if the cannabis business establishment is advertising via marketing directed toward an application on an Internet-capable electronic device and the application (1) is limited to installation and use on an Internet-capable electronic device by an individual who is 21 years of age or older and (2) includes a permanent mechanism to opt out of using or installing the application. Effective immediately.

LRB102 13944 CPF 19296 b

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Cannabis Regulation and Tax Act is amended  
5 by changing Section 55-20 as follows:

6 (410 ILCS 705/55-20)

7 Sec. 55-20. Advertising and promotions.

8 (a) No cannabis business establishment nor any other  
9 person or entity shall engage in advertising that contains any  
10 statement or illustration that:

11 (1) is false or misleading;

12 (2) promotes overconsumption of cannabis or cannabis  
13 products;

14 (3) depicts the actual consumption of cannabis or  
15 cannabis products;

16 (4) depicts a person under 21 years of age consuming  
17 cannabis;

18 (5) makes any health, medicinal, or therapeutic claims  
19 about cannabis or cannabis-infused products;

20 (6) includes the image of a cannabis leaf or bud; or

21 (7) includes any image designed or likely to appeal to  
22 minors, including cartoons, toys, animals, or children, or  
23 any other likeness to images, characters, or phrases that

1 is designed in any manner to be appealing to or encourage  
2 consumption by persons under 21 years of age.

3 (b) No cannabis business establishment nor any other  
4 person or entity shall place or maintain, or cause to be placed  
5 or maintained, an advertisement of cannabis or a  
6 cannabis-infused product in any form or through any medium:

7 (1) within 1,000 feet of the perimeter of school  
8 grounds, a playground, a recreation center or facility, a  
9 child care center, a public park or public library, or a  
10 game arcade to which admission is not restricted to  
11 persons 21 years of age or older;

12 (2) on or in a public transit vehicle or public  
13 transit shelter;

14 (3) on or in publicly owned or publicly operated  
15 property; or

16 (4) that contains information that:

17 (A) is false or misleading;

18 (B) promotes excessive consumption;

19 (C) depicts a person under 21 years of age  
20 consuming cannabis;

21 (D) includes the image of a cannabis leaf; or

22 (E) includes any image designed or likely to  
23 appeal to minors, including cartoons, toys, animals,  
24 or children, or any other likeness to images,  
25 characters, or phrases that are popularly used to  
26 advertise to children, or any imitation of candy

1 packaging or labeling, or that promotes consumption of  
2 cannabis.

3 (b-5) Paragraphs (1), (2), and (3) of subsection (b) do  
4 not apply if the cannabis business establishment is  
5 advertising via marketing directed toward an application on an  
6 Internet-capable electronic device, including, but not limited  
7 to, a cellular telephone, and the application:

8 (1) is limited to installation and use on an  
9 Internet-capable electronic device by an individual who is  
10 21 years of age or older; and

11 (2) includes a permanent mechanism to opt out of using  
12 or installing the application, including, but not limited  
13 to, deleting the application.

14 (c) Subsections (a) and (b) do not apply to an educational  
15 message.

16 (d) Sales promotions. No cannabis business establishment  
17 nor any other person or entity may encourage the sale of  
18 cannabis or cannabis products by giving away cannabis or  
19 cannabis products, by conducting games or competitions related  
20 to the consumption of cannabis or cannabis products, or by  
21 providing promotional materials or activities of a manner or  
22 type that would be appealing to children.

23 (Source: P.A. 101-27, eff. 6-25-19; 101-593, eff. 12-4-19.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.